IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2338 OF 2004

Mohammed Kasim Mohammed Tasleem ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.Arfan Sait (Advocate appointed)
Ms M.H.Mhatre, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 22,2005

P.C.:

1. With the assistance of Shri Sait, learned Counsel for the Applicant I have gone through the Judgments in the Sessions Case Nos.64/2000 and 144/2001. Relying upon the decision of the learned Single Judge of this court dated 22nd December 2004 in Criminal Application No.2474/2004 (Rajan Mohanlal Thakur Vs. State) Shri Sait submitted that the order may be passed for concurrent running of the sentences. He has also invited my attention to the decision of the Apex Court reported in 2001 S.C.C. (Cri.) page No.1477 (Ammavasai and another Vs. Inspector of Police and ohters).

2. On plain reading of the Judgments delivered by the Sessions court by which the Applicant has been convicted it is apparent that the transaction relating to the offences are not the same and the facts constituting the offences are totally different.

3. In the light of the peculiar facts of the case before the Apex Court in case of Ammavasai the Apex Court has adopted a via media by directing that the total period of imprisonment in each Appeal in respect of all convictions will be 14 years. Reliance is placed on the decision of the learned Single Judge in case of Rajan Mohanlal Thakur Vs. State of Maharashtra will not help the Applicant as the learned Single Judge has adopted via media in the peculiar facts of the case before him.

4. In my view in the light of law laid down by the Apex Court in a decision reported in A.I.R. 1988 S.C. page 2143 (Mohd. A. Hussain Vs. Asstt. Collector, Customs (Prevention) Ahmedabad) and the law laid down by Division Bench of this Court in 1994 Mh.L.J. page No.825 (Ramesh Krishna Sawant V. State of Maharashtra), the Applicant is not entitled to any relief. Application is rejected.

JUDGE